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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,204	06/27/2003	William Samuel Herz	NVID-057/00US 140060-2119	7323
77306 7590 05/05/2009 NVIDIA C/O COOLEY GODWARD KRONISH LLP Attn: Patent Group 777 6th St NW Suite 1100 WASHINGTON, DC 20001				
EXAMINER				
NGUYEN BA, HOANG VU A				
ART UNIT		PAPER NUMBER		
2421				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/609,204

Applicant(s)

HERZ, WILLIAM SAMUEL

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/16/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-14,61 and 62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-14,61 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 16, 2009 has been entered.
2. Claims 1-2, 7-14 and 61-62 are pending. Claims 1, 61 and 62 are independent claims.

Response to Amendment

3. Per Applicant's request, Claims 1-2 and 7 have been amended and new claims 61-62 have been entered.

Response to Arguments

4. Applicant's arguments have been fully considered but they are moot in view of the new grounds of rejection.

Claim Objection

5. Claim 61 is objected to because of the following minor typographical error: at line 3, after "receiving commands", "form" should be -- from --.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1 and 62 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of *In Re Bilski* 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The method including steps of generating a three-dimensional image and rotating said three-dimensional image about an axis is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent. For example, all the steps recited in the claim can be performed with a cardboard model representing the two display surfaces, one of the two surfaces showing an EPG and the other showing a plurality of drawers where movies/videos are stored and rotated by a person.

Claim 62 merely recites a computer readable medium storing computer executable instructions to cause a media system having a personal computer including a graphics processing unit to perform the steps of Claim 1. The computer readable medium can be a piece of paper recording the program listing of all the instructions that cause a computer to perform these instructions. While the claim does recite that the instruction are to cause a computer to perform the steps directed by the instructions, the claim does not specifically recite that the steps are necessarily being performed by the computer. Such claimed matter, which is functional descriptive material per se, is not statutory because it is not a physical "thing" nor a statutory process as there are no "acts" being performed. Such claimed computer program does not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer's program's functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process, without the computer-readable storage medium needed to realize the computer's functionality. In contrast, a claimed computer-readable storage medium encoded with a computer program defines structural and functional interrelationships

between the computer program and the medium which permit the computer program's functionality to be realized, and is thus mandatory. Warmerdam, 33 F.2d at 1361, 31 USPQ 2d at 1760. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 178). See MPEP §2106 (IV)(B)(1)(a).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-2, 7-14 and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,910,191 to Segerberg et al. ("Segerberg") in view of U.S. Patent No. 6,621,509 to Eiref et al. ("Eiref") in view of U.S. Patent No. 6,662,177 to Martino et al. ("Martino").

It should be noted that hereinafter the use of the clause "see at least" should be interpreted that the cited portions that follow the clause are not the only portions that are considered to be relevant. Should Applicant find that the cited portions are not relevant, other portions of the disclosure of the prior art reference will be provided as additional evidence and/or context to the relevancy of the previously cited portions. Since the evidence is from the same reference, the introduction of the additional evidence in response to Applicant's arguments should not therefore be considered to be that of new grounds of rejection.

Claim 1

Segerberg discloses at least *a method of displaying media information, comprising:*
generating a three-dimensional image consisting essentially of two display surfaces, the three-dimensional image having an axis of rotation, the three-dimensional including a first display surface that is an Electronic Program guide surface having a first edge and a second display surface having a second edge connected to the first

display surface and the second display surface being orthogonal to each other (see at least FIGs. 8-10);

in response to a user input, rotating said three-dimensional image to provide contextual information to facilitate a user navigating between the two display surfaces (see at least FIG. 1, element 4 and 30, FIGs. 8-10, rotating in the Z-direction).

Seegerberg does not specifically disclose:

a single axis of rotation that lies along the connecting edge of the first display surface and the second display surface.

However, it is respectfully noted that whether the axis of rotation lies along the connecting edge of the two display surfaces or at a position X' as shown in FIGs. 8-10, the result is the same: when one surface rotates, the other surfaces also rotates with the same degree of rotation and the final position shows the two surfaces being orthogonal to each other. Therefore, the claim requirement of having the axis of rotation along the connecting edge is not considered to be patentably distinguishable from the teachings of Seegerberg.

Seegerberg does not specifically disclose:

rotating the three-dimensional image about said axis with the degree of rotation being selectable according to said user input to permit a user to select a face-on view of one of said display surfaces while maintaining a partial view of the other display surface.

However, in an analogous art, Martino discloses in FIGs. 9 and 14 the aspect of degree of rotation in that when a token that was far behind is brought to the forefront, the token gets bigger in size and shows more information (see at least 14:44-61).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the degree of rotation as taught in Martino in Seegerberg because this would give a user of Seegerberg the capability of rotating the display surfaces to a degree chosen by a user.

Seegerberg-Martino does not disclose that the second display surface is a *Personal Video Recorder (PVR) Guide*.

However, in an analogous art, Eiref teaches in FIG. 7 display area that can be full-screen of the display or a portion thereof (7:65-67) that displays a plurality of information thumbnails 110 which can be video titles of a DVD disks (see at least 8:1-8).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use these features of Eiref to display collection of movies or personal videos stored on a personal video recorder. These movies or personal videos can be stored alphabetically or according to any types of category desired by a user, each thumbnail can be labeled with a letter of the alphabet or a distinct category (e.g., drama, family, action, etc.) and the thumbnail represents a drawer containing all the movies or videos with a title starting with the letter of alphabet or belonging to the same category. One of ordinary skill in the art would have been motivated to use these features of Eiref in Segerberg-Martino in order to integrate different types of media players and their management into one device such as a set top box for convenience purposes (see at least Eiref, 1:22-37).

Claim 2

The rejection of base claim 1 is incorporated. The combination Segerberg-Martino-Eiref further discloses *wherein in response to a user input, one of said planar surface is rotated into a face-on view while maintaining a partial view of the other planar surface* (Eiref; see at least FIG. 15, step 258; FIG. 16, step 278).

Claims 3-6 (previously canceled)

Claim 7

The rejections of base claim 1 and intervening claim 2 are incorporated. The combination Segerberg-Martino-Eiref further discloses *wherein said second surface is moved into a face-on view* (Eiref; see at least 8:22-39), *the method further comprising:*

displaying objects representing drawers on said second planar surface (see at least FIGs. 4, 7, e.g., Eiref's thumbnails are equated with the claimed "drawers" because when the thumbnail is selected, a 3D-cube similar to a drawer is shown attached to a foreground plane – i.e., second planar surface – that is separate from the background plane showing the thumbnails),

responsive to a user input requesting information for a selected drawer (Eiref; see at least 8:9-12),

opening said selected drawer orthogonally to said second surface and displaying information describing stored video files associated with said selected drawer (Eiref; see at least FIGs. 4, 7).

Claim 8

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. The combination Segerberg-Martino-Eiref further discloses *wherein said displaying information describing stored video files comprise displaying at least one picture* (Eiref; see at least FIGs. 6, 7).

Claim 9

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. The combination Segerberg-Martino-Eiref further discloses *wherein said displaying information describing stored video files comprises: playing at least one audio file* (Eiref; see at least FIGs. 4, 6, 7; it is noted that when playing a video file most likely the accompanying audio file is also played unless the "mute" option is set by the user).

Claim 10

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. The combination Segerberg-Martino-Eiref further discloses *wherein said displaying information comprises: revealing at least one data pop-up configured for a user to obtain additional information for at least one stored video file* (Eiref; see at least FIG. 7, e.g., "3D object 92").

Claim 11

The rejections of base claim 1 and intervening claims 1, 2, 7, 10 are incorporated. The combination Segerberg-Martino-Eiref further discloses *wherein said at least one data pop-up is a polyhedron having a media thumbnail associated with at least one face of the polyhedron* (Eiref; see at least FIG. 7, e.g., if the thumbnail represents a VCR tape,” the VCR tape content will be shown on the front face like the “live video 90” is in FIG. 7).

Claim 12

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. Segerberg-Martino-Eiref further discloses *rotating said pop-up to reveal a thumbnail of said polyhedron disposed on a face of said polyhedron that is initially hidden from view* (Eiref; see at least 8:22-39; 13:20-30).

Claim 13

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. The combination Segerberg-Martino-Eiref further discloses *wherein said data pop-up is a cube having media thumbnails associated with faces of the cube* (Eiref; see at least FIGs. 4, 6, 7).

Claim 14

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. The combination Segerberg-Martino-Eiref further discloses *wherein said media thumbnail is selected from the group consisting of: an audio thumbnail, a still picture, and a video clip* (see at least FIGs. 4, 6, 7 and 8:6-8).

Claims 15-60 (canceled)

Claim 61

Segerberg discloses at least *a media system* (see at least FIGs. 1-2) *comprising:*

a personal computer having a central processing unit (see at least FIGs. 1-2, element 3 -- a STB can be considered to a personal computer with all the components of a traditional PC such as CPU -- 11, input device -- 4, output device -- 5, storage device -- 9, 14, etc.);

a graphics processing unit (see at least FIG. 2, elements 15 and 11) receiving commands from the central processing unit to generate three-dimensional images for display;

a tuner box (see at least FIG. 2, element 4) to permit a user to input commands to the personal computer via a remote control;

the system having a mode of operation in which said system perform substantially the same method steps of Claim 1. See rejection of Claim 1.

Claim 62

Since Claim 62 is the computer readable medium version of Claim 1, the rejection set forth in Claim 1 also applies to Claim 62.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2421

April 30, 2009